

**RUMSON ZONING BOARD OF ADJUSTMENT
NOVEMBER 17, 2015
MINUTES**

Chairman Brodsky called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Brodsky, Torcivia, Seaman, Wood, Lizotte, Blum, and Thompson. Also present: Bernard Reilly (Board Attorney), Fred Andre, (Zoning Officer), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Shawn & Christine Reynolds, 15 Blackpoint Horseshoe

Chairman Brodsky announced that the application will be continued to a future meeting. Additional notice will be required.

Joseph & Miriam Tort, 14 Heathcliff Road (Continued Application)

Mr. Thompson and Mr. Torcivia will not sit in on this application.

Justin Lewis, attorney, appeared on behalf of the applicants. He confirmed that the application has now been reduced, as per the Board's recommendations at the October meeting. The resolution has been prepared by Mr. Reilly, which includes the recommendations as set forth by the Board. No further building will be allowed, unless the applicants come back before the Board. Dr. Wood moved to approve the application and adopt the resolution. Mr. Lizotte seconded.

Roll Call Vote: Ayes – Brodsky, Seaman, Wood, Lizotte, Blum
Nays – None

Motion carried.

Mr. Thompson & Mr. Torcivia rejoined the meeting at this time.

James & Catherine McHugh, 45 Waterman Ave.

Michael Monroe, architect, was sworn in, and the Board accepted his qualifications. He reviewed that they received approval two months ago, and they are now asking approval to raise the house in compliance with the base flood elevations. The plans have not changed, except for lifting the driveway somewhat. He explained the new plan, which adds steps, but all other changes are diminimus overall. None of the nonconformities have been increased with this change. Everything will be the same, except it will be 2' higher than originally approved.

There were no questions or comments from the public.

A resolution has been presented to include the changes. Mrs. Seaman moved to approve the changes and adopt the resolution. Mr. Lizotte seconded.

Roll Call Vote: Ayes – Brodsky, Seaman, Wood, Lizotte, Blum, Thompson, Torcivia.
Nays – None

Motion carried.

63 Washington Street, LLC, 63 Washington St.

Brooks Von Arx, attorney, appeared on behalf of the applicants. Mr. Blum will recuse himself, due to a possible conflict of interest.

Mr. Von Arx explained that this property is in the old section of Rumson and is in a dilapidated condition. Robin Hemphill, property owner, was sworn in and explained their plan to keep the house in the existing footprint and add an addition to the side, along with a second floor. She showed the Board photos of the existing property, noting that the front is not proposed to be changed:

- A-1 – Front of the property
- A-2 – Rear of the property next to the kitchen that they are proposing be enclosed. It shows an open portion which they propose to enclose;
- A-3 – Rear photo showing where they would like to add on to the second story, which will square off the rear area.

Mrs. Hemphill said they plan to keep the façade and not exceed the existing footprint of the building. The property surrounding this property is also owned by Mr. & Mrs. Hemphill. They are proposing this renovation for their daughter's use. They are proposing to add about 300 sq. ft., but the footprint will remain the same.

Richard Velsor, architect, was sworn in and explained that they will also be adding new siding and windows, but the exterior will appear the same. There is an existing one-car garage that will not be changed.

Mrs. Seaman likes the fact that they are staying within the footprint and thinks it will be a nice looking house.

There were no questions or comments from the public.

Chairman Brodsky noted that this is a small lot, which is prevalent in this area.

Mr. Thompson moved to approve the application, and Mr. Torcivia seconded.
Roll Call Vote: Ayes – Brodsky, Seaman, Wood, Lizotte, Thompson, Torcivia.
Nays – None

Motion carried.

Mr. Blum rejoined the meeting at this time.

1 Maple River Ventures, LLC, 1 Allen St.

Dr. Wood will not sit in on this application.

Chairman Brodsky noted that five affirmative votes would be required, due to the requested floor area variance.

Brooks Von Arx, attorney, appeared on behalf of the applicants. This is the property in back of the fire station and across from the Exxon station. His clients intend on demolishing the dwelling and constructing a modest home. They cannot change the area of the lot, which is

small. There is also a lot shape problem, along with front yard, side yard, and building coverage deficiencies – all related to the existing width of the lot.

Marilyn D'Ambrosio was sworn in and stated she resides in Fair Haven and is one of the owners of the LLC, which purchased the property. She described the property as having been lived in for many years by a blind man, who had a live-in helper at times. Nothing had been done in the house during all that time. She described the state of the structure, which was very dilapidated. They had originally thought they could rehab it, but that proved not to be possible. There is no garage, and street parking is very tight, so they thought they should provide a driveway and garage and two bedrooms. It would be a small house that would be affordable for a family in Rumson.

Chairman Brodsky asked if they intend to sell the house, and she said they did. He asked if there could be any plans that could come closer to what is permitted for this property.

Keith Mazurek, architect, was sworn in, and the Board accepted his qualifications. He has provided the plans for the Board this evening. He noted that there was no building envelope as to front and rear setbacks, although the side yards set standards for them. They wanted a garage, and this determined what they could put on the first floor, as well as what the minimum space for a family to live in the home. The first floor has a basic living area. Upstairs provides two bedrooms and a small loft area. There are 2 ½ bedrooms. He wanted to provide a house that would appeal to a modest first-time buyer. There will be a full basement, also. It was his opinion that they would not be able to build a residence much smaller than this, and this would be a modest house, relative to other construction in town.

Chairman Brodsky asked Mr. Andre about the undersized lot with regard to the permitted floor area, and Mr. Andre said the proposed floor area would be permitted if the lot were slightly larger.

Chairman Brodsky asked the board if they thought this was enough of a hardship to allow 30% over what is permitted for the site in floor area. He noted that Rumson is lacking in smaller homes, and thinks this might be a benefit, although they are starting from scratch, and he wondered if they could provide something closer to code.

Mr. Von Arx said it would not be possible to provide a house that conforms on this lot.

Mrs. Seaman agreed that she does not like to go over the allowable requirements, but in this case, there does not seem to be a way to provide this, and this plan does not seem to be that large. She thinks the location of the lot will be a hard sell, and she thinks they have done an amazing job with what they have.

Mr. Blum asked about the floor area and building coverage of the existing house, and Mr. Mazurek said he did not know this. Mr. Blum said it appears that the present house complies with the ordinance at 600 sq. ft. building coverage, plus the second floor, providing a little over 1,000 sq. ft. floor area, which appears to be conforming on this site. The proposed floor area is quite a bit larger, which presents a dilemma for him. There is adjacent property that is similar, and putting a new house on one lot commits the second one to a possible similar situation. It was noted that the property next door is much deeper than this lot. A conforming building on the

property would look like what currently exists and would probably be a one-bedroom bungalow-type structure, which might be a reasonable house on the property, in his opinion.

Mr. Thompson agrees that starting from scratch should come closer to what is allowed, although there is much diversity on this street, and everything is tight. This property has been a mess forever, and anything done would be an improvement, although 30% over the ordinance is a lot. The proposed rooms are not large, and taking off 15% might not be amenable for buyers.

Mr. Torcivia thinks that the location makes this different than if it were in the middle of a residential street, and because of this location and what is immediately next door makes what they are proposing an improvement to the area and will not hurt the area. He would be in favor of the application.

Mr. Blum thinks the plan has issues, which he thinks is pushing the envelope. The positive is that the aesthetic value and stability of the neighborhood would be a plus.

Mrs. Seaman agrees that the location of this lot affects the situation. She thinks it will clean up the property and would be good for a new, young family or an older family that wants to stay in Rumson. Making the rooms smaller would not be workable.

Chairman Brodsky agrees that the livable area is ok.

Dr. Wood thinks the improvements will be good for the area.

There were no questions or comments from the public.

Chairman Brodsky said he would feel better if this was not a “spec” house, and the Board agreed; however, he thinks there is a hardship with the small lot, and he would rather see a nicer home than one that would fit on the lot based on what is allowed by the ordinance.

Mrs. Seaman moved to approve the application, and Mr. Torcivia seconded.

Roll Call Vote: Ayes – Brodsky, Seaman, Lizotte, Blum, Thompson, Torcivia.

Nays – None

Motion carried.

Christine Cofone, 46 Bingham Ave.

Michael Herbert, attorney, appeared on behalf of the applicant. He noted that Ms. Cofone could not be present this evening to testify. He explained that he and Ms. Cofone are looking to move into Rumson together. They would like to raze the existing residence and construct a new home, as the existing home is in poor repair.

Keith Mazurek, architect, and James Kennedy, project engineer/planner, were sworn in at this time. Their qualifications were accepted by the Board. Mr. Mazurek explained their plan for a lot that almost conforms as to width, but is short on depth. The building envelope was shown on their plan, and he pointed out the existing building lines. There is presently no garage on the property, and they are proposing a one-car garage – attached – with an area for parking. Mr.

Herbert has spoken to the neighbor in the rear, who spoke in favor of the application. There is a fence between the properties at present. Other nearby neighbors have also spoken in favor of the application. There are other similar homes in Rumson in this zone. The floor area permitted would be 2,800 sq. ft., with an attached garage on a conforming lot as to area. Both side yards are conforming

with their plan, and the setback is improved from what currently exists. They are also proposing a full basement.

Chairman Brodsky noted they are going well beyond what is permitted for the lot, and he does not see a hardship to allow so much of a variance for this lot.

Mr. Herbert would like to have Ms. Cofone appear to explain their position for this application, which they feel is the smallest they can go. They feel this will fit in with the neighborhood and clean up the area.

Mr. Blum asked Mr. Mazurek about the two lots south of the property, which have been redeveloped but are twice the size of this lot. He asked about the size of the houses on these lots as compared to this lot.

Chairman Brodsky said that both homes are smaller than this proposal and yet appear to be decent sized homes. He feels they can provide a home that is closer to conforming with the ordinance.

James Kennedy, planner, again described the engineering aspects and described the site. They are proposing swales to address runoff from the back of the property. It was noted that the driveway width will require another variance. They would also need to replace one of the shade trees along Bingham Avenue. They will comply with the Storm Water Management ordinance.

Mr. Blum asked if the existing house has sewer service, and Mr. Kennedy said they are proposing a new sewer service out to Bingham Ave., since the existing system is very old. They would like not to have to do this, but it may be necessary. They are planning underground electric service; however, they may not be able to do this.

Steve Wondrasch, 44 Bingham Ave., was sworn in and said they are happy to see a family take over the lot and build a new home; however, he thinks it is very large and they would be opposed to the application as it is currently proposed. He would rather see the house be made shorter, and he offered some suggestions on how to accomplish this. He does not think the proposal fits the lot and will affect his property.

Mr. Herbert offered an aerial view of the area for the Board's information, showing the setbacks of the other homes on the street. He said they would be willing to include additional landscaping on Mr. Wondrasch's side.

Peter Gien, 47 Bingham Ave., was sworn in and said he thinks the house, as proposed, is too big for the lot. He is also concerned about fire danger with the houses so close together. He opposes the proposal as it stands.

Mr. Herbert noted they are actually increasing the setbacks from what currently exist.

There were no other questions or comments from the public. Mr. Herbert asked that the application be continued to allow them to speak to the neighbors and reduce the impact of the project. The Board agreed, and the matter will be continued to the next meeting (12/15/15).

Chairman Brodsky again noted that he does not see a hardship in this case, and he thinks the project is too large for the lot.

If revisions are substantial, they will need to submit revised plans before the next meeting.

Approval of Minutes

Dr. Wood moved to approve the minutes of the October meeting, and Mr. Blum seconded. Voice Vote: Ayes, unanimous.

Resolutions

1. **Thomas & Nancy Mertens, 62 Blackpoint Road** – Approval to construct a larger, open front porch. Dr. Wood moved to adopt the resolution, and Mr. Lizotte seconded.
Roll Call Vote: Ayes (Eligible) – Brodsky, Blum, Lizotte, Seaman, Wood
Nays – None
Motion carried.

Other Business

The 2016 agenda schedule has been distributed to the Board members. It was noted that the February meeting will be the 4th Tuesday.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:15 p.m.

The next meeting will be **December 15, 2015.**

Respectfully submitted,

Patricia Murphy
Clerk